

Application No. 09/937,942
Amendment dated March 1, 2007
Reply to Non-Final Office Action of November 1, 2006

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REMARKS/ARGUMENTS

Claims 1, 2, 4, 5 and 7 are pending in the application. Reconsideration and allowance of all pending claims are respectfully requested in view of the following remarks.

Claim Rejections – 35 U.S.C. § 102

Claims 1, 2, 4, 5 and 7 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Zamierowski. Applicant notes that the Office Action did not refer to a patent number, but rather referenced the “previously applied reference Zamierowski.” Applicant assumes the Examiner refers to U.S. Patent No. 6,071,267, which was applied in the Office Action of August 27, 2002. The applicant respectfully traverses the rejections.

Independent Claim 1 is allowable because Zamierowski does not teach or suggest “grafting wound healing factors into a porous pad of a negative pressure system,” among other things. The Office Action notes that Zamierowski teaches a wound healing combination with a porous pad injected with wound healing factors, and argues that *absorbing* the factors into the pad anticipates *grafting* the factors into the pad. This is incorrect.

The grafting limitation of Claim 1 clearly is not taught or suggested by Zamierowski. Zamierowski discloses “a fluid conveyance system ... to introduce various fluids, such as antibiotics, analgesics and growth factors into the interface system.” The Office Action refers to this “introduction” of fluids as an injection or absorption of wound healing factors into the porous pad. An “introduction” of the growth factors as described by Zamierowski is clearly different from the grafting of wound healing factors into a porous pad. As described in Zamierowski, the fluids introduced to the interface system are subsequently removed by the application of reduced pressure. In fact, Zamierowski highlights some of the problems associated with the Zamierowski system – lower vacuum pressures must be used if the introduced fluid is to remain in the interface system (see column 7, lines 8-15).

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The purpose of grafting the wound healing factors into the pad is to combine the benefits of wound healing factors with the benefits of negative pressure application to a wound. Grafting wound healing factors into the pad allows negative pressure to be applied without removing the wound healing factors. In contrast, wound healing factors that are merely absorbed into a pad, as in Zamierowski, may be removed when negative pressure is applied.

More specifically, grafting involves establishing a covalent link between a substrate and a grafted molecule. Grafting requires a chemical reaction to both form and break the linkage or bond between the substrate and the grafted molecule. Absorption, on the other hand, involves the penetration of a substance into the bulk of a solid or liquid. In absorption, it is possible that the substance may be associated with the solid or liquid via intermolecular forces such as Van der Waal's forces, hydrogen bonding, or ionic bonding. However, these bonds are not as strong as a covalent bond and may be much more easily broken than the covalent bond associated with grafting. Thus, merely absorbing wound healing factors into a pad does not anticipate grafting wound healing factors into the pad and does not provide the benefit of the applicant's claimed invention.

Additionally, grafting wound healing factors into the pad as claimed by the applicant eliminates the necessity of an external fluid source and delivery system, which Zamierowski requires.

The criticality of grafting has been emphasized by Applicant in an Examiner Interview on January 5, 2006, and further in the Amendment and Response filed March 20, 2006. As previously argued, grafting is a process in which the additive agent is bound to the surface of the carrier material. For example, grafting could include the co-milling of an insoluble agent with a polymer. It is especially critical that the wound healing factors be grafted to the pad because of the use of negative pressure application to the wound. Negative pressure application, as described in col. 2, lines 13-15 of the present application, further supports the criticality of grafting, because the application of negative pressure "typically involves mechanical-like contraction of the wound with *simultaneous* removal of excess fluid." (Emphasis added.)

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Applicant has previously overcome the Zamierowski reference following the submission of the Amendment and Response filed November 22, 2002. Applicant is unsure why the Office has regressed in re-citing art that has already been successfully traversed. The present claims are even further distinguished from Zamierowski than the claims that were previously found to be patentable over Zamierowski.

Claim 1 and its dependents are allowable over Zamierowski, and Applicant respectfully requests withdrawal of the rejection of the claims under 35 U.S.C. § 102.

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CONCLUSION

Applicant submits that the pending claims are in condition for allowance and respectfully requests that the examiner issue a Notice of Allowance for these claims. The examiner is invited to call the undersigned at the below-listed telephone number if, in the opinion of the examiner, such a telephone conference would expedite or aid the prosecution and examination of this application.

A Petition for Extension of Time under 37 C.F.R. 1.136(a) is enclosed if an additional Petition for Extension of Time under 37 C.F.R. 1.136(a) is required, the petition is herewith made and the Commissioner is authorized to charge the required fee to deposit account number 500326.

The Commissioner is authorized to charge any fees that may be required, or credit any overpayment made with this Office Action, to Deposit Account Number 500326.

Respectfully submitted,


For Applicant

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